

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FILED

2009 JUL 23 PM 1:11

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY DEPUTY

JANICE HOLCOMB,
Plaintiff,

V.

CAUSE NO. A-08-CA-681-JRN

**RANDALL BERRYHILL, RHONDA §
HOMEYER, ALBERT SUROVIK, JR., §
STEVEN NOACK, JULIE EUBANKS, §
JUNICE BALDWIN, GINGER BRALY, §
MARCY JONES, MARC GROCE, and §
CALDWELL INDEPENDENT SCHOOL §
DISTRICT, §
Defendants. §**

SCHEDULING ORDER

Before the Court in the above-entitled and styled cause of action is Parties' Proposed Scheduling Order (Clerk's Doc. #28), filed July 23, 2009. Pursuant to Rule 16 of the Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

IT IS ORDERED THAT:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before **August 28, 2009**.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before **September 11, 2009**, and each opposing party shall respond, in writing, on or before **October 16, 2009**. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further **ORDERED** to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.
3. The parties shall file all amended or supplemental pleadings and shall join additional

parties on or before **September 18, 2009**.

4. All parties asserting claims for relief shall file and serve on all other parties their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **February 8, 2010**. Parties resisting claims for relief shall file and serve on all other parties their designations of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **March 8, 2010**. All designations of rebuttal experts shall be filed and served on all other parties within fifteen (15) days of receipt of the report of the opposing expert, and the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be served, but not filed, on all other parties within fifteen (15) days of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, **within eleven (11) days** of receipt of the written report of the expert's proposed testimony or **within eleven (11) days** of the expert's deposition, if a deposition is taken, whichever is later. **The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.**

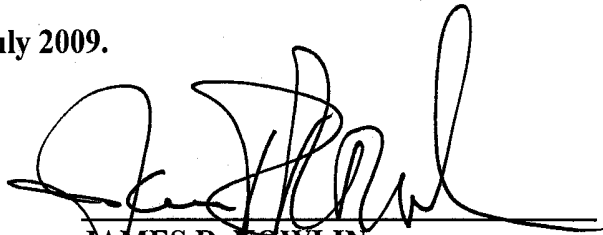
6. The parties shall complete discovery on or before **June 4, 2010**. The parties should consult Local Rule CV-16(d) regarding the timely completion of discovery. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed and served on all other parties on or before **July**

30, 2010 and shall be limited to ten (10) pages in length. Responses shall be filed and served on all other parties **within eleven (11) days** of the service of the motion and shall be limited to ten (10) pages in length. Any replies shall be filed and served on all other parties **within eleven (11) days** of the service of the response and shall be limited to five (5) pages in length, but the Court need not wait for the reply before ruling on the motion.

8. This case is set for final pretrial conference and jury selection in **September of 2010**. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

SIGNED this 23rd day of July 2009.



JAMES R. NOWLIN
UNITED STATES DISTRICT JUDGE